

***PLEASE NOTE: Since the Glendale City Council does not take formal action at the Workshops, Workshop minutes are not approved by the City Council.**

**MINUTES
CITY OF GLENDALE
CITY COUNCIL WORKSHOP
July 5, 2005
1:30 p.m.**

PRESENT: Mayor Elaine M. Scruggs, Vice Mayor Thomas R. Eggleston, and Councilmembers Joyce V. Clark, Steven E. Frate, David M. Goulet, H. Phillip Lieberman, and Manuel D. Martinez

ALSO PRESENT: Ed Beasley, City Manager; Pam Kavanaugh, Assistant City Manager; Craig Tindall, City Attorney; and Pamela Hanna, City Clerk

1. MOTORIZED SKATEBOARD AND MOTORIZED PLAY VEHICLE OPTIONS AND PUBLIC INPUT

CITY STAFF PRESENTING THIS ITEM: Acting Police Chief Preson Becker, Officer Joan Campbell, and Mr. Harold Brady, Deputy City Attorney

This is a request for the City Council to review and provide direction regarding the findings in the report provided to the Council regarding the motorized skateboard and motorized play vehicle public outreach program and the options related to these issues. There are three options for Council consideration in reference to the motorized skateboard ordinance:

1. No changes to the current ordinance;
2. Strengthen the existing ordinance; and
3. Ban motorized skateboards from public streets.

The community is concerned with the safety and quality of life issues within their neighborhoods. The Council requested that this item be reviewed to address the council's goal to ensure public safety on roadways.

The Council requested that the Police Department research the use of motorized skateboards in Glendale, the number of complaints received by the city, status of other cities' ordinances, and enforcement practices used by the Police Department.

The Council also asked the Police Department to do a comprehensive public outreach campaign to seek input on options related to the ordinance.

Over the last several years, manufacturers have produced numerous styles of other motorized play vehicles that have gained in popularity and are being operated on city roadways. The City of Glendale does not currently have an ordinance regulating their use on public roadways.

Based on the results of the public outreach, a majority of the respondents state that the quality of life in their neighborhoods would be improved if the noise from the play vehicles were eliminated. Of the 77.5% of respondents preferring a complete ban of motorized skateboards, the majority stated that their concerns are both noise and safety. Numerous citizens reported that they have had close calls on the roadway involving play vehicles and that the riders operate the vehicles recklessly. The Police Department received approximately 504 calls for service regarding play vehicles during 2004. The two major complaints involving motorized skateboards and play vehicles involved safety and noise.

Regarding motorized play vehicles - although they are not legal to be operated on roadways due to size, equipment and registration violations, the Police Department's only option for enforcement is to issue citations under state law for equipment, registration and insurance violations. A city code banning motorized play vehicles would allow the Police Department another option in citing violators and the court would have penalty options other than the mandated fine structure established by the State Legislature.

A change in the city's current ordinance would impact the owners of motorized play vehicles and motorized skateboards. If banned, these items could not be operated on city streets. Businesses selling these items could be required to post a notice informing the public on the restrictions and ordinances governing play vehicles.

January 1996	Glendale adopted the current motorized skateboard ordinance.
July 1999	Ordinance amended to add requirement of notarized permission slip.
January 2003	Councilmember Frate asked staff to review current ordinance due to number of complaints.
April 2004	Councilmember Goulet stated that he would like to revisit the motorized skateboard ordinance due to number of complaints.
July 2004	Councilmembers asked the Police Department for suggestions on strengthening the ordinance and for the public's input.
January 2005	Police Department recommended a ban of play vehicles and Council requested further information and public input.

At the request of the Council, the Police Department sought the public's input regarding the regulation of motorized skateboards and play vehicles. The Police Department provided information about the two issues on a city web page, in mailings and in the news media to assist the public with understanding the topic prior to sharing their thoughts.

Public input was obtained in three ways: through an online web page survey, a hotline phone number, and during public meetings. The public was notified by utilizing the media, emails to constituents, at district meetings, mailings, and a Connection article and in a City Beat story. The Police Department received a total of 473 responses regarding motorized skateboard issue and 77.6% prefer a complete ban. Of the 460 responses regarding motorized play vehicles, 87.4% prefer a complete ban.

The surveys received by the Police Department were evenly distributed throughout the City of Glendale.

Motorized skateboards:

Option 1 Leave current ordinances in place.

Pros: No changes in police protocol and motorized skateboard owners will continue to operate on roadways.

Cons: Complaints regarding safety and noise will continue from citizens.

Option 2 Strengthen current ordinances.

Pros: Motorized skateboard owners will continue to operate on roadways.

Cons: Changes in ordinance may be confusing and difficult to enforce; noise/safety complaints will continue.

Option 3 Ban use of motorized skateboards.

Pros: Reduces calls/complaints by citizens; enforcement simplified; requires businesses to notify customers of local restrictions.

Cons: Motorized skateboard owners will not be allowed to operate on city roadways; businesses may see a reduction in sales of motorized skateboards.

Motorized Play Vehicles:

Option 1 No new ordinance.

Pros: No changes in police protocol.

Cons: Law enforcement restricted to utilizing state codes; no options for courts regarding penalties; businesses not required to notify customers of restrictions.

Option 2 Enact ordinance prohibiting use.

Pros: Provides options for the Police Department when citing violators; provides options for the Court; reduces calls/complaints for noise and safety; requires businesses to notify customers of regulations.

Cons: Businesses may see a reduction in sales of play vehicles and would be required to notify customers of ban.

Staff is seeking direction from the Council as to which option(s) they wish to enact.

Officer Campbell explained, under the city's current ordinance, motorized skateboards are not to be operated on a street with a speed limit of over 25 miles per hour or driven over 25 miles per hour. She stated their use is further restricted during the hours of 7:00 a.m. to 8:00 p.m. and by riders who are 14 years old and older. She said options to strengthen these restrictions include shortening the time period during which people could ride their motorized skateboards and increasing the age of those permitted to ride to 16 or even 18. She explained some respondents to the survey suggested the city require riders to obtain driver's licenses and/or insurance, stating the city does not have the authority to place such requirements.

With regard to the motorized play vehicles; Officer Campbell stated Judge Finn advised staff that the Legislature passed a bill during their last session that increases the penalty for no proof of insurance to \$905, with a mandatory three-month license suspension. She stated no registration carries a mandatory \$545 fine. She said, as an alternative to automatically having to impose such harsh fines, the city would have the option if it created an ordinance to issue tickets for a city ordinance violation and the city's court could decide on the penalty to be imposed.

Councilmember Clark asked if state or local city laws take precedence. Officer Campbell said the officer would have the option to choose.

Mayor Scruggs asked why the city would not want to impose the state penalties, stating the best way to correct behavior is to impose memorable consequences. Chief Becker stated play vehicles are not mentioned in State Law at this point, explaining state law simply requires that all vehicles driven on city streets be registered and insured. He said it is their position that giving officers the option of issuing citations for city ordinance violations will give them the opportunity to educate the public and encourage compliance without such harsh penalties. He stated, should violators not be swayed from using the vehicles under the penalties associated with the city's ordinance, officers would always have the option to impose the state penalties.

Councilmember Lieberman pointed out it was reported at last week's Arizona Economic Summit that 43 percent of people who drive in Arizona do not have insurance. He said the state law, written in 1972, states handlebar grips cannot be 15 inches higher than the seat. He asked when was the last time an officer cited someone for violation of that law. He stated state law also prohibits the modification of a motorcycle's exhaust;

however, they are modified more often than not. He asked who would enforce the new laws. He explained play vehicles are not legal because they lack the 18 digit Vehicle Identification Number and because the turn signals and braking do not meet state standards. He pointed out there are no state requirements with regard to the height of the vehicles. He said, under pressure from retailers, manufacturers would soon bring the turn signals and brakes up to state standards and Vehicle Identification Numbers; consequently, the city will be required under state law to register the vehicles. He stated he supports the city's present ordinance; although it may be able to be tightened up somewhat. He asked when was the last time a person under 18 years of age was issued a ticket for riding a motorized vehicle without a helmet. He stated the city failed to attract a Harley Davidson dealership on Bell Road because of the public's unfounded fear of motorcycle riders; pointing out doctors; lawyers and other professionals ride motorcycles.

Councilmember Martinez expressed his opinion a city ordinance concerning play vehicles is not necessary since the issue is addressed under state law. Chief Becker agreed state law prohibits unregistered vehicles to be on the roadway.

Councilmember Clark asked if, in the past, officers have cited state statute when people have been found riding play vehicles on the street. Chief Becker said the only option the officer has at this point is to cite state law. Councilmember Clark asked if a fine was attached to the state law prior to the enactment of the recently passed legislation. Chief Becker said there have always been fines and the recently passed legislation increased those fines. Councilmember Clark asked if there are documented instances where a person riding a motorized play vehicle was cited under state law and fined. Officer Campbell said such information was not available for the motorized play vehicles, although they do have such information as it relates to the motorized skateboard ordinance. She questioned whether the court could track citations issued for violations pertaining to motorized play vehicles as opposed to another type of vehicle being driven illegally. She said, while she knows from talking with officers that they have issued insurance and registration equipment violations to individuals on pocket bikes, they cannot be tracked once the citations are turned in. She spoke about a situation wherein she witnessed a child riding a pocket bike in front of his house, explaining she used the incidence as an opportunity to educate both the child and the parents and would have found it difficult to issue a citation given the penalties associated with the state law. Councilmember Clark commented on the impact a \$1,450 fine will have on ensuring people do not continue to violate the law, asking how much impact education, community service and other lesser penalties will have. Officer Campbell said the issue of whether or not a specific vehicle is or is not legal to drive could be confusing for parents.

Vice Mayor Eggleston asked Judge Finn to clarify what the state law says. Elizabeth Finn, Presiding Judge, explained pocket bikes fit within the state statute definition of a motorcycle, noting the proposed ordinance would not ban pocket bikes because it specifically exempts motorcycles. She stated pocket bikes are not illegal; it is just that they cannot currently meet the requirements of the Motor Vehicle Department to be licensed and registered. She said motorized skateboards are specifically exempted in state statute and, therefore, should be addressed separately in the city's ordinance.

Mayor Scruggs asked if the city could deem a pocket bike as something other than a motorcycle if it is defined under state statute as a motorcycle. Chief Becker explained the ordinance was drafted only as an option in case Council directed staff to move in such direction. Judge Finn said, while she is not prepared to answer the Mayor's question, many things are considered pre-emption and are within the sole authority of

the state. She said, at this point, motor vehicles are within the authority of the state, but there may be a way for cities to govern pocket bikes. Mr. Tindall explained the preemptive effect of a state statute is a complex issue; however, it is possible to write ordinances that work in conjunction with state ordinances so as to impose further restrictions. He explained the state statute specifically states that local authorities cannot register motorized skateboards, but there could be room in the state statute to address motorized play vehicles.

Judge Finn clarified for Vice Mayor Eggleston that pocket bikes couldn't be registered or insured; therefore, they cannot be legally operated on a roadway.

Mayor Scruggs asked if pocket bikes will be legal if, at some point, Vehicle Identification Numbers are added, making it possible for the vehicles to be registered. Judge Finn was unable to say if the bikes will get to the point of being able to be registered or insured; although she has heard such discussions are taking place.

Vice Mayor Eggleston asked if officers are limited at this point to either issuing a warning or writing a citation against the state statute, resulting in the large fines. Judge Finn responded yes, noting they started seeing an increase in the number of citations issued just prior to last Christmas. Vice Mayor Eggleston asked if the proposed ordinance would give officers another option for citing violators. Judge Finn explained the intent is to craft an ordinance pertaining to pocket bikes that would give officers discretion to cite against the state law or a city ordinance that is not subject to such harsh penalties. She noted the fine for no proof of insurance will be doubled as of August 12 and a three-month suspension of driver license and plates will be imposed. Vice Mayor Eggleston asked how an officer could choose to cite under the city's ordinance rather than the state law. Mr. Tindall said they would have to analyze the state statute when drafting the ordinance, but he believes a reasonable alternative could be drafted.

Councilmember Goulet thanked Officer Campbell and the Police Department for conducting the public meetings and compiling the background information. He explained his intent in asking that the Go-Ped ordinance be brought back to Council was that only Go-Peds be addressed. He expressed his opinion other types of recreational vehicles fall under state statute. He said, regardless of the number of people on the road without insurance, they should not allow another class of vehicles on the road without insurance. He stated he brought the issue up because many neighborhoods were complaining about noise and safety concerns. He said the city needs to decide from a policy standpoint if it will permit activities that cause the kind of noise and interruption associated with go-peds. He said modifying the bikes to make them legal to register and drive would not affect the noise they generate or make them any safer. He stated the city has the opportunity to prevent a tragedy. He noted 23 of the 25 calls he received on the issue supported an outright ban. He asked what has been the reaction in other communities who have implemented a ban on motorized vehicles and has the ban freed up officer time, allowing them to respond to more pressing needs in the community.

Mayor Scruggs agreed Council's discussion has, up to this point, focused on play vehicles. She said, however, their questions need to be answered before they can move on to the issue of motorized skateboards.

Councilmember Lieberman noted four or five of the digits in the VIN are issued by the Federal Government. He stated he has not seen a detailed definition of a pocket bike. Mr. Brady stated no such definition exists in state law. Judge Finn stated the court

reverts back to the definition of a motorcycle when addressing pocket bikes because no specific definition of a pocket bike exists.

Councilmember Martinez asked if it is accurate to state pocket bikes should not be on the roadway. Chief Becker said an officer looks for a license plate to indicate that a vehicle is properly registered and an officer has probable cause to stop any vehicle that does not have a license plate. He stated, because play vehicles cannot be registered, they couldn't be on the street. Councilmember Martinez expressed concern that softening the penalty by creating a city ordinance would open the city up to liability issues. Mr. Tindall said he does not believe the city would have any liability if it chose not to fine someone for operating a play vehicle in an illegal manner. Councilmember Martinez stated he finds it difficult to support enacting an ordinance when state statute already addresses the issue.

Councilmember Frate said he could understand an officer's desire to have some discretion when citing people who ride a pocket bike. He pointed out people have a hard time seeing motorcycles, stating pocket bikes and go-peds are even more difficult to see. He commented on a situation in Scottsdale where a 13-year-old was run over when he passed a cement truck on the right.

Councilmember Clark stated Phoenix, Tucson, Surprise, Avondale and El Mirage have enacted ordinances banning play vehicles. She asked if the bans were initiated prior to the strengthening of the state statute. Chief Becker responded yes. Councilmember Clark asked if the proposed ordinance is intended to give the Police Department another tool to deal with violators rather than having to resort to the penalties associated with the state statute. Chief Becker answered yes.

Mayor Scruggs asked where do motorized play vehicles, other than motorized skateboards or pocket bikes, fit into state law. Officer Campbell said that is the cause for confusion for parents and people who want to purchase the vehicles. She said motorized skateboards are defined by the state, but when manufacturers reconfigure the design they are no longer considered motorized skateboards and are not supposed to be on the roadway. Judge Finn said, unless a vehicle is specifically exempted from the state statute, the question becomes whether or not the play vehicles meet the definition of a motor vehicle. Mr. Tindall stated the definition of a motor vehicle under state statute is that it is a self-propelled vehicle, not including motorized wheel chairs, electronic personal assisted mobility devices or motorized skateboards. He said a motorcycle is a vehicle with a seat or saddle that is used for a rider and designed to travel with not more than three wheels in contact with the ground, excluding a tractor or moped. Mayor Scruggs asked if all play vehicles, unless specifically exempted under the state statute, would be considered illegal because they cannot be registered or insured. Mr. Tindall responded yes.

Councilmember Clark expressed her opinion they should stay with the state law, stating the fines are appropriate and will significantly decrease the chance of repeat offenses.

Mayor Scruggs agreed a \$1,500 fine is an excellent educational tool.

Councilmember Martinez asked if officers currently have the option of issuing a warning. Chief Becker responded yes, stating they consistently issue warnings in an effort to educate people on the state law.

Vice Mayor Eggleston asked if officers can go to a person's house to warn them of the implications of riding motorized play vehicles on the roadway if a complaint is received

from a neighbor. Chief Becker stated they often make such calls. Mayor Scruggs suggested that would be an appropriate task for the CAT team.

Councilmember Martinez asked if parents are notified when a child receives a warning.

Councilmember Frate asked if officers issue verbal or written warnings. Chief Becker said all of the warnings are verbal at this point. He agreed it is possible that more than one officer will issue verbal warnings.

Mayor Scruggs asked if an officer can record a child's name, address and phone number so they can ensure the parents know a verbal warning has been given. Chief Becker said the officer always has the option of following up with the parents.

Vice Mayor Eggleston asked if an officer has to witness a violation to issue a citation. Chief Becker said officers have options for filing a complaint in city court, but they encourage officers to make an initial contact with the parents.

Mayor Scruggs voiced Council's consensus to stay with state law as it pertains to motorized play vehicles.

Councilmember Frate asked if the City of Phoenix has realized success with its ban on go-peds. Officer Campbell said calls for service decreased from 500 in 2004 to 100 in 2005 and the number of citations decreased because of the decrease in the number of go-peds on the road. She said Phoenix feels their ban has been successful, noting Tucson has also been pleased with their results. Councilmember Frate mentioned a young mother who spoke at a public meeting who said her nine-year-old son drives a pocket bike. He said the woman was embarrassed after being educated on the law, stating she just assumed he was operating the vehicle lawfully. He stated hospitals do not keep records on the number of people who are injured on go-peds; although AAA reports 44,000 people have been injured.

Councilmember Clark said she is leaning toward a complete ban, but she is bothered by the impact a ban would have on the two percent who use motorized skateboards as a means of transportation. She asked if there is a way to ban their recreational use only. Mr. Brady said they can look at the issue, but enforcement of such a ban may be more difficult.

Vice Mayor Eggleston asked about the report's reference to motorized skateboards and juvenile disturbances. Chief Becker explained they pulled calls from their statistical information that they felt they could directly relate to motorized play vehicles or motorized skateboards. He said the majority of the calls were likely phoned in, but there were occasions where officers witnessed the violations.

Councilmember Martinez asked how they differentiate between calls for juvenile disturbances and noise complaints. Chief Becker explained Officer Campbell, when compiling the data, went through the CAD and determined by the code assigned to the calls that they were related to motorized skateboards or play vehicles. Councilmember Martinez said he supported strengthening the ordinance in 1999 because he did not want to ban a privilege people have enjoyed for some time. He said, however, the stronger ordinance has not taken care of the problem and he no longer sees the strong support for motorized skateboards that he saw in 1999. He said the public meetings were not well attended and the majority who turned out actually supported banning motorized skateboards. He said he has witnessed children riding double on the motorized skateboards and not wearing helmets and, in view of all that has occurred

despite the city's attempts to educate the public, he now supports a full ban.

Councilmember Lieberman commented most children stop riding motorized skateboards once they are old enough to drive. He said he prefers a modified ordinance to an outright ban, noting he has only received one call in the past two or three years.

Councilmember Goulet said during the public meetings the overriding justification for allowing motorized skateboards appeared to be that people who can afford to buy them should be allowed to do what they want with them. He stated driving is a privilege, not a right, and insurance is required to ensure a driver can take responsibility for their actions. He said he has never and will never support putting motorized skateboards on the road. He commented people have been afraid to identify those who recklessly or illegally ride motorized skateboards for fear of retaliation. He suggested someone would accept the opportunity to open a facility where play vehicles, including motorized skateboards, can be ridden. He expressed his opinion the situation will not improve if they simply work harder to enforce the current ordinance or even strengthen the ordinance. He said the issue is one of safety and quality of life.

Mayor Scruggs stated, while she does not know yet how she will vote, it appears the majority direction is to develop an ordinance banning motorized skateboards. She said, in reality, it is a noise issue, not a safety issue. She pointed out people did not want bike lanes when they were first installed. She reviewed statistics concerning bicycle accidents, stating there have been an average of 74 injuries, 1.6 fatalities and 50 non-injury accidents per year between 2000 and 2004. She said a motorized skateboard is little more than a bicycle that makes noise. She stated the city has done nothing to do away with motorcycles, boom boxes, or loud mufflers, noting motorized skateboards only account for 3.6 percent of the calls received for noise disturbances, speeding vehicles and juvenile disturbances. She cautioned against acting in a heavy-handed manner by electing to ban everything that is seen as a nuisance.

Mayor Scruggs asked if an ordinance banning the use of motorized skateboards on public roadways will allow them to still be used on privately owned streets and long driveways. Mr. Brady said the definition of a street or roadway is contained in Title 28 and does not include private streets or driveways so, unless staff is directed to address those specific issues, the ordinance would not cover those areas. Mayor Scruggs said she would certainly vote against an ordinance being enacted on people's private property. She asked about the Grand Canal Linear Park, Thunderbird Paseo and Skunk Creek Linear Park. Mr. Brady stated, unless Council directs staff to do so, the restrictions included in the current ordinance would not be changed. Mayor Scruggs said she strongly believes the city should offer a buy back program since motorized skateboards were not outlawed at the time they were purchased, suggesting they develop a prorated scale based on the length of time a person has owned their motorized skateboard. She asked Chief Becker if they envision looking at enacting laws pertaining to other things that generate noise, such as motorcycles. Chief Becker said they do not envision going away from state law at this point.

Councilmember Clark pointed out motorized vehicles are currently not allowed in linear parks or parks. She agreed the issue is one of noise and quality of life rather than safety. She explained the problem is that riders continually ride the same path for hours. She stated parents have not taught their children to be solicitous of the concerns of people in their neighborhoods and riders refuse to regulate themselves. She said, as a result, 87 percent of the citizens are now asking the city to regulate riders. She said she is leaning towards a ban because of the repetitive noise issue, but

she strongly believes some form of relief needs to be found for people who use motorized skateboards as a means of transportation to work.

Mayor Scruggs pointed out if the issue were truly one of safety the city would then ban swimming pools at the homes of children. She said she does not share the optimism that some have that everyone will stop riding simply because a ban is enacted unless the police come down with a heavy hand. She asked how the Police Department would catch riders when they are unable to catch those who ride in violation of the current ordinance. She also asked if officers would be able to visit a child's home if a neighbor reports that the child has been riding a motorized skateboard. Chief Becker said they feel strongly they must start with education. He said after the community has had ample time to learn about the ban, officers will then start enforcing the ban. Mayor Scruggs asked what the Police Department anticipates in terms of consequences. Chief Becker said they will work with the City Court and look at practices in other cities, but options include community service, fines, and diversion programs.

Mayor Scruggs asked the Council members what they anticipate in terms of consequences and their opinion of her suggestion to offer compensation to owners of motorized skateboards.

Councilmember Martinez said he also considered a buyback program. He asked if a buyback program would be legal. Mr. Tindall said it is an administrative concern. Councilmember Martinez asked for more information on how a buyback program could be set up. He stated he will need to give more thought to the issue of penalties, but believes a fine of some sort would be appropriate.

Councilmember Lieberman expressed concern about a buyback program, asking how they would determine the worth of a motorized skateboard. He suggested, rather than a buyback program, they offer to pay a specific amount for any motorized skateboards turned in on a specific day or weekend.

Vice Mayor Eggleston agreed the issue is noise. He pointed out there was a 25 percent decrease in the number of calls over last year. He suggested, if they proceed with a total ban, that they phase the ban in over a period of time. He said he might support a program that pays owners a set price for a motorized skateboard, assuming they can prove residency. He suggested a ban would leave the Police Department open for less criticism. He asked if the motorized skateboards could be impounded. Chief Becker said officers do not have the ability to take the motorized skateboards in their patrol vehicles, but they could look at options that would allow an officer to impound a motorized skateboard.

Mayor Scruggs pointed out one idea was to ban gas operated motorized skateboards, but allow electric motorized skateboards. She asked if electric motorized skateboards are silent. Officer Campbell responded yes. Chief Becker said the option of banning one or both is at Council's discretion. Officer Campbell explained people are concerned about electric motorized skateboards because they cannot hear them coming. She said, however, the Council could decide to ban only gas-powered motorized skateboards. Mayor Scruggs pointed out people cannot hear children walking or riding a bike either.

Councilmember Martinez said he could support allowing electric motorized skateboards, stating that would provide a viable option for those who use the motorized skateboards as a means of transportation.

Councilmember Goulet said he is concerned about both safety and noise. He said he would not support a buyback program because he believes it would be difficult to administer. He stated it is the responsibility of the parent to decide the level of risk they are willing to take. He agreed the Police Department should begin by educating residents and then begin to enforce and assess fines, suggesting the fines graduate with the number of violations. He said the only way people will pay attention is if it costs them money.

Councilmember Clark said she would also support allowing electric motorized skateboards. She stated the city couldn't micro-manage how parents raise their children and the only time the city should become involved is when their activities negatively impact others. She agreed they should allow a long period for education, but then assess fines to ensure compliance. She said a buyback program will be difficult to administer and, while she would listen to ideas on how the program could work, she does not know at this point if she would support such a program.

Councilmember Frate said, for him, the issue has always been one of safety. He stated there is only so much space on a street and if he can do something that will take a child out of harm's way he feels compelled to do it. He said noise has always been secondary to the safety issue, but regardless of the reason why; people overwhelmingly support a ban on motorized skateboards. He agreed they should have a 30 to 60 day education period. He said he would not support a buyback program, pointing out owners could sell their motorized skateboards by other means.

Mayor Scruggs said there is majority support for a ban of all motorized skateboards, with a long educational lead-time and fines built into the enforcement component of the program. She stated consideration would be given to a buyback program that establishes a set price for a set period of time. She said there appeared not to be majority support for Councilmember Clark's suggestion to exempt people who use the motorized skateboards to travel to and from work.

Vice Mayor Eggleston agreed there might be some merit in allowing adults to use electric motorized skateboards as a means of transportation to and from work, stating the problem arises when the motorized skateboards are ridden along the same path over and over again. Chief Becker pointed out the motorized skateboards are confined to residential streets because they are limited to running at speeds no greater than 25 miles per hour.

Councilmember Lieberman said such an arrangement would establish two classes of users. He said it would be impossible to distinguish between those who use their motorized skateboards to travel to and from work and those who use it for recreational transportation.

Councilmember Martinez said allowing electric motorized skateboards to be used would resolve the issue.

Councilmember Clark agreed.

Mayor Scruggs pointed out they do not have majority support to allow electric motorized skateboards.

Councilmember Clark commented this was one of the best reports she has received as a Council Member. She complimented Officer Campbell, Mr. Brady and Chief Becker on the thoroughness of their report.

2. FOLLOW-UP REPORT ON COUNCIL ITEMS OF SPECIAL INTEREST

CITY STAFF PRESENTING THIS ITEM: Mr. Ray Jacobs, AICP, Zoning Administrator; Ms. Cathy Gorham, Director of City Manager Relations; Mr. Horatio Skeete, Deputy City Manager and Mr. David Hoffman, Traffic Lighting Manager.

This is a request for the City Council to review and provide direction related to the following Council Items of Special Interest:

- a) Board of Adjustment Appeals Process
- b) Sister City Relationship with Memmingen, Germany
- c) Streetlight Conversion Program
- d) Workshop Presentation Requests

Council “Items of Special Interest” are discussed quarterly in workshop according to a Council procedural guideline approved in the Fall of 2002.

Memorandums distributed to the Council provide brief assessments of topics identified by members of the Council at the May 3, 2005 and January 4, 2005 workshops.

At the May 3, 2005 workshop, Councilmember Martinez asked that the Board of Adjustment appeals process be reviewed with a recommendation.

At the same workshop, Councilmember Clark – on behalf of Councilmember Lieberman who was unable to attend the meeting – asked staff to assess re-establishment of a Sister City relationship with Memmingen, Germany.

Mayor Scruggs asked for an update on the yellow streetlight conversion program.

At the January 4th workshop, Councilmember Lieberman requested workshop presentations on several topics including a session on federal lobbying, meeting with the Commander of Luke Air Force Base, a session with the leaders of the Greater Phoenix Economic Council (GPEC), a session with the Maricopa Association of Governments (MAG), and a session with the Fiesta Bowl leadership. The City Manager responded to these requests via a February 4, 2005 memorandum. Several topics have been addressed. A majority of the Council would need to direct staff if additional presentations were to be scheduled on any of these subjects.

The recommendation was to review this item and provide staff direction on:

- 1. Board of Adjustment Appeals Process
- 2. Sister City Relationship With Memmingen, Germany
- 3. Streetlight Conversion Program
- 4. Workshop Presentations as requested by CM Lieberman

Board of Adjustment Appeals Process

Mr. Jacobs explained the city's current appeals process, adopted in 1991, allows for Board of Adjustment appeals to be taken either to City Council or Superior Court. He said directing appeals away from City Council reinforces the quasi-judicial nature of a variance request. He stated appeals, although not numerous, can be time consuming and create confusion for both the applicant and the public. He offered two options for Council's consideration: A) Board of Adjustment hears the variance and requests for appeal go to Superior Court, or B) the variance is heard by a hearing officer, with appeals going to the Board of Adjustment. He said, regardless of the city's action on this item, appeals could always go to Superior Court. He said other cities implement the second option as a means of addressing caseload volume.

Councilmember Martinez asked about the cost associated with initiating an appeal. Mr. Jacobs said an appeal to City Council costs approximately \$400. He confirmed a fee would be assessed regardless of the body to which the appeal is made. Mr. May pointed out, under Option B, they would have to pay a hearing officer as well.

Mayor Scruggs asked what is the initial application fee for someone to request a variance. Mr. Jacobs said \$200 for residential and \$400 for commercial. Mayor Scruggs asked if there would be an additional fee for the hearing officer. Mr. Jacobs responded yes. Mayor Scruggs asked if the applicant would pay an additional fee for an appeal. Mr. Jacobs responded yes, stating the fee for an appeal to Council is currently set at \$400. Mr. May stated the city does not set a fee for an appeal to Superior Court because the city is essentially taken out of the process.

Mayor Scruggs pointed out Option A, which is the option employed by most cities, reduces the steps involved in the appeals process by placing the appeal directly with Superior Court.

Councilmember Lieberman voiced his support for Option A.

Vice Mayor Eggleston said he likes the idea of having all cases heard by the Board of Adjustment, with appeals taken to Superior Court.

Councilmember Goulet asked if there a common thread that resulted in the other cities choosing to move appeals directly to Superior Court rather than to Council. Mr. Jacobs responded no. Councilmember Goulet said he prefers Option A. He suggested appeals to Council become an issue of politics rather than the merits of the record.

Councilmember Lieberman agreed.

Councilmember Clark said she likes providing citizens with a third level of hearing. She asked Councilmember Goulet if he brought the issue forward as a result of having gone through the appeal's process. Councilmember Goulet stated he is responding to a

recommendation brought forward by staff. He clarified the appeal was made on behalf of a neighborhood not on his own behalf.

Councilmember Martinez noted he actually brought the issue forward after it was brought to him by the Board's Chairperson Doug Ward. He said he supports Option A.

Mayor Scruggs voiced Council's majority support for Option A which removes the City Council from the appeals process.

Sister City Relationship With Memmingen, Germany

Ms. Gorham reported that Council had discussed this item in 2003 and that the local community based Sister City Organization ultimately decided to disband. Ms. Gorham said that since 2003 when the Sister City Organization decided to disband, the city has not heard from a single citizen seeking the organization be re-established. She noted it was the lack of community support that was the basis for the decision to disband.

Councilmember Lieberman said he also wanted to include Delicias, Mexico in his request. He said it is important for a city of Glendale's size to have Sister Cities, suggesting they also have Sister Cities in Japan and Russia given the heritage in Glendale from both of those countries. He suggested they treat the Sister City program as another Board or Commission, expressing his opinion the city's stature is enhanced by the program. He offered to contribute a portion of his budget to establish a Sister City Commission.

Councilmember Martinez said he thought the Sister City program was good for the city when he first came on Council, but the dramatic decrease in citizen support made it difficult to keep the program going. He asked if other cities have Sister City Boards or Commissions. Ms. Gorham said cities employ a variety of techniques, and some do have Commissions supporting this function. She pointed out that all city advisory Commissions in Glendale are supported by city staff and city funds and that even if a board or commission were to be appointed, it would require city resources. She said the previous program, while successful for some time, was dropped after citizen support diminished. She said they have not conducted any kind of assessment as to the level of citizen support at this time. Councilmember Martinez said he would support further research on how such a program would work.

Councilmember Clark agreed.

Mayor Scruggs said the program was social and networking in nature and should not be seen as a function of city government. She pointed out travel undertaken by the Council, much less by Commission members, is heavily scrutinized. She said, given the number of events that will be coming to the city, she believes the city's resources would be better spent in other ways.

Councilmember Goulet agreed. He said the question becomes what will the city receive in return for its participation in such a program, pointing out a significant amount of travel is required to justify having a Sister City program. He stated the program is not a priority for him at this time.

Councilmember Frate said he does not see any groups coming forward to spearhead the movement and, at this time, he does not support establishing the program.

Vice Mayor Eggleston said the program, while very nice, should not be a part of city government. He offered to ask his constituents if anyone is interested in taking the lead to establish a program.

Mayor Scruggs said she would talk with the Chamber of Commerce members as well.

Councilmember Martinez asked if the city was responsible for notifying Memmingen that they were no longer participating in the program. Ms. Gorham said the city notified the National Sister City Program who indicated they notified Memmingen.

Streetlight Conversion Program

Mr. Hoffman said the direction given to staff in 1996 was to install high-pressure sodium lights in all new neighborhoods. He stated Council also gave staff \$400,000 for infill lighting and to convert existing lights in those infill neighborhoods. He said, since that time, they have gone through approximately 1,200 installations, a majority of which has consisted of one or two lights on a given street. He noted they recently started receiving larger-scope projects. Mayor Scruggs expressed concern the city will forever have two tones of lighting, asking what it would take to have a neighborhood upgraded to high-pressure sodium lights. Mr. Hoffman said, under the current policy, an entire subdivision would have to change.

Councilmember Clark said she does not recall setting a minimum for the number of lights that have to burn out before a neighborhood will be switched to high-pressure sodium lights. She stated Council's intent at the time was to gradually, but measurably, convert neighborhoods. She suggested staff refined the policy to establish a minimum number of lights.

Mayor Scruggs said her understanding of the policy was that a light would be converted once it burned out and, at such time as the majority of a neighborhood had been converted, the remaining lights in that neighborhood would be converted.

Vice Mayor Eggleston suggested they designate a specific amount in the budget to begin the conversion in older neighborhoods.

Mayor Scruggs pointed out the city could use bonds to finance the conversion, stating they would only have to come up with \$100,000 annually.

Councilmember Lieberman said he clearly remembers the discussion and the agreement was that after the yellow lights were no longer in stock they would use the white lights.

Councilmember Frate asked what is the cost involved in converting one light to a high-pressure sodium light. He also asked if Council provided direction, but failed to provide the needed funding. Mr. Hoffman said Council provided \$400,000 and direction to create an infill program. He stated they went through eight to nine years of receiving hundreds of thousands of dollars worth of street lighting requests from older neighborhoods and they did conversions based on infill development. He stated options to do conversion based on maintenance were provided, but were ultimately rejected because the feeling was that it would take 10 to 15 years to convert the entire system. He explained the fixtures for high-pressure sodium lights are completely different and the conversion of a single residential fixture is approximately \$125.

Mayor Scruggs pointed out the city has since held a bond election, making previously unavailable funding sources available. She said there appears to be Council consensus to proceed with conversion of the lights.

Councilmember Lieberman asked if the city could sell back-unused low-pressure lights. Mr. Hoffman stated few lights are kept in stock.

Councilmember Frate said he has heard complaints that the low-pressure lights cause confusion with the yellow traffic signal lights. He suggested they begin by changing out the low-pressure lights on arterial streets.

Mayor Scruggs disagreed, stating she would prefer they start with the neighborhoods because the brighter lights help discourage crime. She directed staff to come back as soon as possible with a proposal on how the conversion can be done using bond funds.

Councilmember Martinez suggested they start in areas with the highest crime rates.

Councilmember Goulet said he supports converting the lights in residential neighborhoods first as well.

3. COUNCIL ITEMS OF SPECIAL INTEREST

This is the quarterly opportunity for City Councilmembers to identify topics of interest they would like the City Manager to research and assess for placement on a future workshop agenda.

In the fall of 2002, the Council approved a procedural guideline allowing for topics of special interest to be identified quarterly.

The initial assessment of each item requires staff time.

The recommendation was for the Councilmembers to identify items of special interest that they want the City Manager to assess.

Councilmember Clark asked Council to consider the formation of a short-term Council Committee focused on individual departments and their preparation for major events coming to the city.

Councilmember Lieberman said he would like a workshop or meeting with the Commander of Luke Air Force Base. He noted he and Councilmember Clark met with the new President of Garvin's School of International Management. He said he would also like to establish a Council Committee focused on learning more about the upcoming Fiesta Bowl and Super Bowl.

Councilmember Goulet suggested a ban on using cell phones while driving, with the exception of safety personnel and city personnel on city business.

Mayor Scruggs said she would like to create a Salary Commission who would be charged with reviewing the rates of pay for elected officials and determining the pay levels appropriate to the duties and responsibilities of the offices. She stated, should the Commission recommend any increases in Council salaries, those recommendations would have to be placed on the ballot in time for the September election.

ADJOURNMENT

The meeting was adjourned at 5:00 p.m.